

Message from the House

Hall of the House of Representatives,
Austin, Texas.

Hon. Vernon Lemens, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted S. C. R. No. 6,

Providing for the Governor to send a delegate to the Council of State Governments.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Adjournment

On motion of Senator Lovelady, the Senate, at 10:30 o'clock a. m., adjourned until 10:00 o'clock a. m. tomorrow.

SEVENTH DAY

(Thursday, January 21, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Fain	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Cotten was granted leave of absence for today on account of important business, at the request of the President.

Senator Shivers was granted leave of absence for today and until Feb-

ruary 1, 1943, on account of important business, on motion of Senator Moore.

Senator Lemens was granted leave of absence for today on account of important business, on motion of Senator Jones.

Senator Kelley was granted leave of absence for today on account of important business, on motion of Senator Stone.

Reports of Standing Committees

Senator Mauritz submitted the following report:

Austin, Texas,
January 20, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. C. R. No. 4,

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

MAURITZ, Chairman.

Senator Moffett submitted the following reports:

Austin, Texas,
January 21, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 3, A concurrent resolution permitting Mae Lusk, her heirs, assigns, grantees, administrators, executors or legal representatives, to sue the State of Texas, or the Texas Prison Board, or both.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KELLEY, Chairman.

Austin, Texas,
January 21, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 64, A bill to be entitled "An Act repealing the Employment Agency Law as passed by the Thirty-eighth Legislature in 1923 and

amended by the Forty-fifth Legislature, Second Called Session, 1937, being Articles 5208 through Article 5221, R. C. S., and Articles 1584 through Article 1593, P. C., Vernon's Texas Statutes, and repealing the Emigrant Agency Law as passed by the Forty-first Legislature, Second Called Session, 1929, being Article 5221a and Article 7047, R. C. S., and Article 1137d, P. C., Vernon's Texas Statutes; providing an Employment and Labor Agency Law for Texas; defining certain terms used in the Act; defining certain exceptions; providing a method of licensing of employment and labor agents; providing a license fee and the posting of bonds; providing for the disposition of fees collected; providing for suits on bonds; providing an occupation tax to be paid in certain cases; providing a method of record keeping to be promulgated by the Commissioner of the Bureau of Labor Statistics; providing a method of cancelling licenses by the Commissioner; providing for appeals to court; defining out-of-State agencies operating in this State; providing reports to be made of workers sent out of the State; providing a schedule of fees; providing receipt forms; prohibiting certain acts; prohibiting untruths by employer or applicant; providing for the display of license and law; declaring it to be a violation to operate without a license; defining the duties and authority of the Commissioner; providing for enforcement by civil proceedings; providing penalties; providing a savings clause; repealing conflicting laws; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with amendments and be printed.

KELLEY, Chairman.

Austin, Texas,
January 21, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 27, A bill to be entitled "An Act providing a more efficient fiscal system for the State of Texas; creating a Legislative Audit Committee, and the appointment of a State Auditor by such Legislative Audit

Committee; repealing H. B. No. 170, Chapter 91, Acts of the First Called Session of the Forty-first Legislature, and Section 18, Chapter 212, Acts, Regular Session, Fortieth Legislature; providing that the present State Auditor and Efficiency Expert and the Prison Auditor shall continue to discharge the duties of their offices under H. B. No. 170 and Section 18 above mentioned until a State Auditor is selected and qualifies under this Act; amending Article 4366, Revised Civil Statutes, 1925; providing for the transfer of appropriations and making additional appropriation; providing that one full time assistant auditor or employee be assigned to the Prison System; providing that the appointment of the State Auditor shall be by and with the consent of two-thirds (2/3) of the Members of the Senate; prescribing the qualifications, duties, and authority of said State Auditor and providing for his compensation; providing for the necessary assistants for said Auditor and fixing their qualifications and compensation; providing for the payment of salaries, travel, and other expense of the office of State Auditor; providing for the removal of State Auditor and this assistants, or any of them, under certain conditions; providing a method of filling any vacancy in the office of State Auditor and vacancies in the personnel of said office; prescribing penalties; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed having already had advanced printing.

KELLEY, Chairman.

Senator Moffett submitted the following report:

Austin, Texas,
January 20, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

S. B. No. 5, A bill to be entitled "An Act to regulate the sale of agricultural insecticides and fungicides, prohibiting their adulteration, misbranding, or misrepresentation, providing for the collection and analysis of samples, the expenses of the enforcement of the law, fixing

penalties for its violation; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee substitute attached hereto do pass and be printed.

MOFFETT, Chairman.

Senator Lanning submitted the following report:

Austin, Texas,
January 21, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 65, A bill to be entitled "An Act to appropriate from any funds of the State not heretofore appropriated the sum of Twelve Thousand (\$12,000) Dollars to pay the salary or salaries of any Special Commissioner or Commissioners of any of the Courts of Civil Appeals heretofore appointed, and who have qualified as such under Article 1813 of the Revised Statutes as amended by the Acts of 1936, Third Called Session, and Acts of 1937, and Acts of 1941, and who have served and are serving as such, and for whose salaries no appropriation has heretofore been made; fixing the amount of such salaries; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LANNING, Chairman.

Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senator Vick:

S. B. No. 71, A bill to be entitled "An Act to amend Section 5 of H. B. No. 18, Chapter 400, Acts of the Forty-fourth Legislature, First Called Session, 1935, as amended by Section 1 of Article XIX of H. B. No. 8, Chapter 184, Acts of the Forty-seventh Legislature, Regular Session, 1941, by eliminating from said Section that particular exemption clause reading: 'wholesale and/or retail lum-

ber and building material businesses engaged exclusively in the sale of lumber and building material,' and adding to said Section an exemption of any wholesale and/or retail lumber and/or building material place of business, provided as much as seventy-five (75) per cent of the gross proceeds of the business done at such place of business is derived from the sale of lumber and/or building material; and declaring an emergency."

To Committee on State Affairs.

By Senator Vick:

S. B. No. 72, A bill to be entitled "An Act amending Section 7 of H. B. No. 18, Chapter 400, Acts of the Forty-fourth Legislature, First Called Session, 1935, by adding thereto a definition of the term 'Building Material'; and declaring an emergency."

To Committee on State Affairs.

By Senator Bullock:

S. B. No. 73, A bill to be entitled "An Act amending Articles 5280 and 5282 of the 1925 Revised Civil Statutes of Texas as amended by S. B. No. 351, Acts of the Forty-seventh Legislature, Regular Session, 1941, providing for the recording of field notes, plats, and other documents subject to being recorded in the county surveyor's records, the issuance of certificate of facts and other certified copies of documents of record in the county surveyor's office; providing for the securing of information and examination of the county surveyor's records; providing for the fees to be charged; providing that the holders of licenses as State Licensed Land Surveyor's issued under former law shall not be required to stand and pass the examination provided by S. B. No. 351, and providing further that the authority of such surveyor's to act shall not be questioned by reason of their failure to obtain licenses under said Act; and declaring an emergency."

To Committee on Public Lands and Land Office.

By Senator Stone:

S. B. No. 74, A bill to be entitled "An Act providing for the suspension of the running of the primary and principal terms of certain State leases by the School Land Board in certain

instances; and declaring an emergency."

To Committee on Public Lands and Land Office.

By Senator Winfield:

S. B. No. 75, A bill to be entitled "An Act repealing S. B. No. 123, Acts of the Forty-sixth Legislature, Regular Session and Chapter 100, Acts of the Forty-third Legislature, First Called Session as to certain lands; and declaring an emergency."

To Committee on Public Lands and Land Office.

By Senator Hazlewood:

S. B. No. 76, A bill to be entitled "An Act amending Article 5326 of the Revised Civil Statutes of Texas as amended by H. B. No. 56, Chapter 191, page 351, Acts of the Regular Session, Forty-seventh Legislature of the State of Texas, 1941, providing for the conditions of payment for State lands in the event of the death of any purchaser of school land; and declaring an emergency."

To Committee on Public Lands and Land Office.

By Senators Aikin, Moffett, Bullock, and Chadick:

S. B. No. 77, A bill to be entitled "An Act providing for and regulating appropriations from moneys in the State Treasury not otherwise appropriated, to supplement local funds for the support, maintenance, operation and improvement of the Public Junior Colleges of Texas as named in this Act; providing it shall be mandatory that each institution participating in the funds herein provided, shall collect from each pupil enrolled, matriculation and other session fees not less than the amounts provided for by law by other State supported institutions of higher learning; as provided in Articles 2654A, 2654B and 2654C, Revised Civil Statutes of Texas; providing for an annual appropriation of Two Hundred Eighty-six Thousand Five Hundred (\$286,500.00) Dollars for each of the fiscal years beginning September 1, 1943, and September 1, 1944, respectively, and for the allocation thereof; and declaring an emergency."

To Committee on Finance.

By Senator Morris:

S. B. No. 78, A bill to be entitled "An Act to authorize the Commis-

sioner of the General Land Office, by and with the consent and approval of the School Land Board, to enter into and approve pooling of public school lands and lands in which the public free school fund owns a mineral interest with privately owned lands for the purpose of oil and gas development; fixing a minimum royalty to be received by the State; repealing all laws in conflict herewith; and declaring an emergency."

To Committee on Public Lands and Land Office.

By Senator York:

S. B. No. 79, A bill to be entitled "An Act to amend Subdivision 85 of Article 199, Title 8, of the Revised Statutes of Texas, 1925, so as to change the time and terms of holding the 85th District Court in Robertson and Brazos Counties, constituting the Eighty-fifth processes issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the next term of court in said counties and district, as herein fixed; to validate the summoning of grand and petit juries under this Act; providing for apportionment of reporter's salary; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Sulak:

S. B. No. 80, A bill to be entitled "An Act to amend Article 527 of the Penal Code of Texas so that the same shall read as hereinafter stated, and provide that the editing, publishing or dissemination of any newspaper, pamphlet, magazine or any printed paper devoted mainly to the publications of scandals, whoring, lechery, assignations, intrigues between men and women and immoral conduct of persons, or the possession or keeping for sale or distribution or assisting in the sale or distribution of any such newspaper, pamphlet, magazine, or printed matter, or the showing of lewd and lascivious pictures in penny arcade machines, or the distribution or sale of indecent objects or images, shall be a misdemeanor offense, the penalty for which shall be confinement in the county jail for not to exceed six months and a fine not to exceed One Thousand (\$1,000.00) Dollars; and repealing all laws in conflict with this Act insofar as they

conflict with this Act; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senators Hazlewood and Mof-fett:

S. B. No. 81, A bill to be entitled "An Act to amend Article 2654b-1, under Chapter 9a, entitled Tuition and Control of Funds of State Institutions, under Title 49, entitled Education—Public, of the Revised Civil Statutes of the State of Texas, of the Year 1925 Codification, by adding a new Section under such Article to be known as Section 3, exempting all persons who have served as members or nurses, or are now serving, or who may hereafter serve in the armed forces of the United States of America during the present world war, from the payment of certain dues, fees and charges."

To Committee on Education.

By Senators Hazlewood and Mof-fett:

S. B. No. 82, A bill to be entitled "An Act providing for the addition of a new Article to be numbered 2960a, immediately following Article 2960 of the Revised Civil Statutes of the State of Texas of the Year 1925 Codification, under Chapter 5 of Title 50 thereof, entitled Elections, which shall exempt all nurses and members of the armed forces of the United States of America who have served, or are now serving, or who may, after the passage of this Act, serve as a member of such armed forces during what is commonly known as World War Number Two, being the war now being prosecuted by the United States of America against what are commonly known as the Axis Powers, and which was entered into by the United States of America on or shortly after December 7, 1941."

To Committee on Privileges and Elections.

By Senator Hazlewood:

S. B. No. 83, A bill to be entitled "An Act to amend Article 46a, Chapter 1, Title 3, of the 1925 Revised Civil Statutes of Texas as amended by adding a Subsection to Section 9 of said Article 46a, to be known as Section 9a, providing that the decree entered in adoption proceedings

shall designate the natural parent or parents thereby deprived of parental status and rights, and providing that the adoption laws shall not be construed to deprive any natural parents, except the parent designated in the adoption proceedings, of such natural parents status, rights and duties."

To Committee on Civil Jurisprudence.

Senate Joint Resolution on First Reading

The following joint resolution was introduced, read first time, and referred to the Committee on Constitutional Amendments:

By Senators Lovelady and Sulak:

S. J. R. No. 3, Proposing an amendment to Section 51d of Article III of the Constitution of Texas providing that the Legislature shall have power to provide under such limitations, restrictions, and regulations as may be deemed by the Legislature expedient, legislation providing financial aid for dependent children to conform with the Federal Social Security Act in its present form, or as hereafter amended; and shall have the power to provide funds for the administration of payment of same; and providing that the Legislature shall have the authority to accept from the Government of the United States such financial aid for such program as that Government may offer; and providing for the necessary proclamation and making an appropriation to defray the expenses of proclamation, publication and election.

Senate Resolution 13

Senator Hazlewood offered the following resolution:

Whereas, Judge and Mrs. C. C. Bishop, prominent citizens of the city of Wellington, Texas, are present and now in the Capitol building observing the operations of government; now, therefore, be it

Resolved by the Senate of Texas, That there be extended to these visitors a cordial welcome to their Capitol and that the privileges of the floor be extended to them.

The resolution was read, and, by unanimous consent, it was considered immediately and was adopted.

Changes of Chairmanships of Standing Committees

The President laid before the Senate, and requested the Secretary to read, the following communication:

Austin, Texas,
January 20, 1943.

Hon. John Lee Smith, Lieutenant Governor, Capitol.

Dear John Lee: I feel as though you have delegated more work to me than I am going to be able to handle efficiently and expeditiously. As you know, Senator Lanning named me as chairman of the Finance Subcommittee on the Departmental bill, and that alone is going to take a lot of time and work. I am anxious to give it the best service that my ability will permit.

I voted for the Senate Concurrent Resolution for a sine die adjournment on March 15, and, so far as the Senate is concerned now, that is our adjournment date. In order to complete our duties by that time, it will, of course, be necessary to distribute the work to all the Members on as equitable basis as possible; so, in the interest of time and efficiency, I believe that it will be best for you to relieve me of the chairmanships of both the State Highways and Motor Traffic and the Banking Committees. I respectfully ask that you accept my resignation to the above mentioned places.

The Public Debts, Claims and Accounts Committee I shall be glad to handle as best I can.

Please be assured that it is my sincere desire to serve in any capacity to which I feel I am best qualified.

Sincerely yours,
FRED MAURITZ.

The communication was read, and the President announced the acceptance of the resignation of Senator Mauritz as chairman of the Committee on Highways and Motor Traffic and the Committee on Banking.

The President then announced the following appointments to fill the chairmanship vacancies created on the respective committees by the resignation of Senator Mauritz:

To be chairman of the Committee on Highways and Motor Traffic:
Senator Metcalfe.

To be chairman of the Committee on Banking:

Senator Winfield.

Service on Standing Committees

Senator Moore asked unanimous consent to be relieved of duties as a Member of the Committees on Criminal Jurisprudence and Public Health.

There being no objection offered, the President announced the request of Senator Moore would be granted.

Senator Chadick asked unanimous consent to be relieved of duties as a Member of the Committee on Public Health.

There being no objection offered, the request was granted.

Supplemental Committee Appointment

At the direction of the President, the Secretary read the following announcement:

Due to the small number of Members appointed to the Committee on Agricultural Affairs, and also due to the fact that two of the said Members are now in the armed services, I have deemed it wise to add another Member to the Committee on Agricultural Affairs, and hereby appoint Senator Lane to that committee.

JOHN LEE SMITH,
President of the Senate.

Hour for Executive Session

Senator Brownlee asked unanimous consent that the Senate go into executive session immediately upon the conclusion of the morning call today.

There was no objection offered, and it was so ordered.

Senate Concurrent Resolution 4

On motion of Senator Morris, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. C. R. No. 4, Authorizing the Department of Public Safety to license persons seventeen years or more of age as drivers of motor vehicles used as public or common carriers of persons.

The resolution was read and was adopted.

Senate Resolution 14

Senator York offered the following resolution:

Whereas, George Foster, of Calvert, Texas, who efficiently served in the Forty-seventh Session of the Legislature of the State of Texas, and who joined the Air Corps of the United States; and

Whereas, This gallant young man exhibited his patriotism in offering his services to the government; and

Whereas, George Foster has been listed among the missing for an extended period of time; and

Whereas, This patriotic young man has left behind him a wealth of friends who appreciate the active service that he has seen for his country; and

Whereas, It is the desire of the Senate of the State of Texas to pay tribute to the memory of this gallant patriotic young Texan, and to extend sympathy and regards to his family; to his father and mother, Mr. and Mrs. Joe Foster and the other members of his family; now, therefore, be it

Resolved, That the Secretary of the Senate be instructed to send to the family of George Foster a copy of this resolution, under his seal.

The resolution was read, and, by unanimous consent, it was considered immediately and was adopted.

Executive Session

At 10:35 o'clock a. m., the President announced that the morning call had been concluded and that the Senate would go into executive session in accordance with a motion previously agreed to.

Accordingly, the floor and galleries were cleared of those not entitled to attend the executive session, and the doors leading from the Senate Chamber were closed.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk the following report had been adopted by the Senate:

Austin, Texas,
January 21, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom

was referred the following nominations:

To be Commissioner to the National Conference of Commissioners on Uniform State Laws, term to expire July 7, 1945:

Harry P. Lawther of Dallas, Dallas County.

To be a Member of the Board of Directors of Texas College of Arts and Industries, term to expire August 31, 1947:

Sam Fore, Jr., of Floresville, Wilson County.

To be Public Weigher in and for Cooke County for a two year term expiring October 15, 1943:

Frank Cummins of Gainesville, Cooke County.

To be Public Weigher in and for Lubbock County for a two year term expiring September 29, 1943:

M. C. Ford of Lubbock, Lubbock County.

To be Public Weigher in and for Lubbock County for a two year term expiring October 4, 1943:

Brian Hester of Lubbock, Lubbock County.

To be a Member of the Library and Historical Commission, term to expire September 28, 1947:

L. W. Kemp of Houston, Harris County.

To be a Member of the Board of Architectural Examiners, term to expire July 26, 1947:

W. T. Strange, Jr., of Lubbock, Lubbock County.

To be Members of the Texas Civil Judicial Council, terms to expire July 1, 1947:

George Waverley Briggs, of Dallas County,

Alonzo Wasson of Dallas, Dallas County,

Ira P. Hildebrand of Austin, Travis County.

To be Public Weigher in and for Cameron County for a two year term expiring October 14, 1943:

C. E. Fleming of San Benito, Cameron County.

To be Branch Pilots for the Houston Ship Channel and Galveston Bay for the Port of Houston for two year terms expiring October 23, 1943:

Captain J. F. Cook of Houston, Harris County,

Captain Holt P. Daniels of Houston, Harris County,

Captain Chas. S. Borup of Houston, Harris County,

Captain Edward B. Mercer of Houston, Harris County.

To be Members of the State Board of Barber Examiners, for two year terms expiring October 14, 1943:

W. J. Stephens of Sherman, Grayson County,

J. B. Burris of Seguin, Guadalupe County.

To be District Judge of the 27th Judicial District, to fill the unexpired term of Judge Few Brewster, resigned:

Wesley Dice of Belton, Bell County.

To be Treasurer of the State of Texas to fill the unexpired term of Honorable Charley Lockhart, resigned:

Jesse James of Cameron, Milam County.

To be a Member of the Board of Directors of Texas Technological College to fill the unexpired term of J. M. West, deceased, term expiring February 19, 1947:

Karl Hoblitzelle of Dallas, Dallas County.

To be a Member of the Board of Trustees, Teacher Retirement Board for a six year term expiring August 31, 1947:

George B. Wilcox of College Station, Brazos County.

To be a Member of the James Stephen Hogg Memorial Shrine Commission to fill the unexpired term of Mike Hogg, deceased, term to expire May 27, 1946:

Sidney Latham of Longview, Gregg County.

To be Members of the State Board of Chiropractic Examiners, for six year terms expiring August 11, 1947:

Dr. Riley C. Armstrong of Houston, Harris County,

Dr. Roy C. Bates of San Antonio, Bexar County.

To be a Member of the Liquor Control Board of a six year term expiring November 15, 1947:

Morris Roberts of Victoria, Victoria County.

To be Branch Pilot for the Houston Ship Channel and Galveston Bay for the Port of Houston for a two

year term expiring November 14, 1943:

Mason Wiggins of Houston, Harris County.

To be State Auditor and Efficiency Expert, term expiring September 13, 1943:

C. H. Cavness of San Antonio, Bexar County.

To be a Member of the Board of Directors of the College of Arts and Industries to fill the unexpired term of Morris Roberts, resigned, term expiring August 31, 1947:

W. M. Griffith of Sinton, San Patricio County.

To be Branch Pilot for Port Aransas Bar, Corpus Christi Bay and Tributaries for a two year term expiring November 12, 1943:

Captain Simon C. Mathews of Nueces County.

To be Commissioner of Deeds for the State of Texas in the State of New York, term to expire December 2, 1943:

John J. Dwyer of New York City, New York.

To be Public Weigher in and for Harris County for a two year term expiring December 3, 1943:

Luke W. Michaelis of Houston, Harris County.

To be Members of the Board of Optometry for six year terms expiring August 11, 1947:

Dr. J. Howard Clark of Houston, Harris County.

To be Branch Pilots for the Houston Ship Channel and Galveston Bay for the Port of Houston for two year terms expiring December 9, 1943:

Captain Charles H. Fuller of Harris County,

Captain Coney Townsend McMains of Harris County.

To be a Member of the Commission of Public Safety for a six year term expiring December 31, 1947:

George W. Cottingham of Houston, Harris County.

To be Public Weigher in and for Harris County for a two year term expiring December 23, 1943:

J. J. Hooks of Houston, Harris County.

To be a Member of the State Board of Control for a six year term expiring December 31, 1947:

Weaver H. Baker of Junction, Kimble County.

To be District Attorney of the 112th Judicial District to fill the unexpired term of Weaver Baker, resigned:

Callan Graham of Junction, Kimble County.

To be Branch Pilot for the Houston Ship Channel and Galveston Bay for the Port of Houston for a two year term expiring January 5, 1944:

Captain John Rose Rowland of Houston, Harris County.

To be Special Commissioner of the Court of Civil Appeals, Eighth Supreme Judicial District, to act for Associate Justice A. M. Walthall, disqualified, to serve until the expiration of Judge Walthall's term of office:

Joseph McGill of El Paso, El Paso County.

To be District Attorney of the 75th Judicial District to fill the unexpired term of R. M. Briggs, resigned:

Thomas J. Hightower of Liberty, Liberty County.

To be Public Weigher in and for Harris County for a two year term expiring February 13, 1944:

C. F. Purdy of Houston, Harris County.

To be Branch Pilot for Sabine Bar, Pass and Tributaries for a two year term expiring February 16, 1944:

Captain Bert Jackson of Port Arthur, Jefferson County.

To be Branch Pilot for the Houston Ship Channel and Galveston Bay for the Port of Houston for a two year term expiring February 16, 1944:

Captain Nick J. Morina of Houston, Harris County.

To be Public Weigher in and for Bexar County for a two year term expiring March 14, 1944:

Fred S. Harkreader of San Antonio, Bexar County.

To be a Member of the State Board of Registration for Professional Engineers to fill the unexpired term of Fred Rightor, deceased, term expiring September 24, 1943:

Datus E. Proper of San Antonio, Bexar County.

To be District Attorney of the 20th Judicial District to fill the unexpired term of Honorable W. A. Morrison, resigned:

Ed Gunn of Rockdale, Milam County.

To be Members of the Governor's Committee on Interstate Cooperation:

Phillip Tocker of Fort Worth, Tarrant County,

Ed Riedel of San Angelo, Tom Green County,

Miss Doris Connerly of Austin, Travis County.

To be a Member of the Board of Regents of the University of Texas to fill the unexpired term of Honorable Leslie Waggener, resigned, term to expire January 10, 1943:

John H. Bickett, Jr., of Dallas, Dallas County.

To be Branch Pilots of the Sabine Bar, Pass and Tributaries for two year terms expiring March 20, 1944:

Don Allien of Jefferson County, Jerry B. Johnson of Jefferson County,

John Kaper of Jefferson County, Edgar Woodhouse, Jefferson County.

To be a Member of the Board of Directors, Texas College of Arts and Industries to fill the unexpired term of Colonel H. Miller Ainsworth, resigned, term expiring August 31, 1945:

Holman Cartwright of Dinero, Live Oak County.

To be Branch Pilot for Port Aransas Bar, Corpus Christi Bay and Tributaries for a two year term expiring April 2, 1944:

Captain Clyde W. Armstrong of Nueces County.

To be Public Weigher in and for Lubbock County for a two year term expiring April 10, 1944:

L. A. Howard of Lubbock, Lubbock County.

To be Branch Pilots for Sabine Bar, Pass and Tributaries for two year terms expiring April 20, 1944:

Captain Carlyle J. Plummer, Jefferson County,

Captain A. N. Dillon, Jefferson County.

To be Branch Pilots for the Houston Ship Channel and Galveston Bay

for the Port of Houston for a two year term expiring April 22, 1944:

Captain M. F. Russell, Harris County.

To be a Member of the State Board of Embalming for a six year term expiring May 31, 1948:

R. L. Burgess of Bowie, Montague County.

To be Chairman of the Governor's Committee on Interstate Cooperation:

Gerald C. Mann of Dallas, Dallas County.

To be a Member of the State Board of Barber Examiners to fill the unexpired term of W. J. Stephens, deceased, term expiring October 14, 1943:

Jack Warden of McKinney, Collin County.

To be District Attorney of the 35th Judicial District to fill the unexpired term of Honorable Howell E. Cobb, resigned:

Mark Callaway of Brownwood, Brown County.

To be Public Weigher in and for Harris County for a two year term expiring May 23, 1944:

John Rider of Houston, Harris County.

To be a Member of the State Board of Pharmacy to fill the unexpired term of S. W. Patrick, resigned, term to expire June 14, 1947:

Leon L. Kahanek of Hallettsville, Lavaca County.

To be Public Weigher in and for Harris County for a two year term expiring June 8, 1944:

George Prowse of Houston, Harris County.

To be Public Weigher in and for Galveston County for a two year term expiring June 9, 1944:

Rene Muller, Jr., of Galveston, Galveston County.

To be District Attorney of the 31st Judicial District to fill the unexpired term of Honorable Bud Martin, resigned:

Thurman Adkins of Shamrock, Wheeler County.

To be Public Weigher in and for Harris County for a two year term expiring June 22, 1944:

Fisher G. Dorsey of Houston, Harris County.

To be a Member of the Board of Regents of the University of Texas to fill the unexpired term of Honorable Fred Branson, deceased, term to expire January 10, 1947:

W. Scott Schreiner of Kerrville, Kerr County.

To be a Member of the Board of Regents of the University of Texas to fill the unexpired term of Honorable E. J. Blackert, resigned, term expiring January 10, 1943:

D. F. Strickland, Mission, Hidalgo County.

To be Public Weigher in and for Harris County for a two year term expiring June 17, 1944:

Raymond E. Prowse of Houston, Harris County.

To be Branch Pilot for Port Aransas Bar, Corpus Christi Bay and Tributaries for a two year term expiring June 29, 1944:

Captain Andrew Ben Anderson of Nueces County.

To be Public Weigher in and for Harris County for a two year term expiring July 2, 1944:

W. M. Burton of Houston, Harris County.

To be Public Weigher in and for Galveston County for a two year term expiring July 2, 1944:

Edward T. McBride of Galveston, Galveston County.

To be District Attorney of the 53rd Judicial District to fill the unexpired term of Honorable Homer Thornberry, resigned:

Benton Coopwood of Austin, Travis County.

To be Public Weigher in and for Harris County for a two year term expiring August 4, 1944:

Raymond C. Buchanan of Houston, Harris County.

To be Lieutenant Colonel, Field Artillery, on the Governor's Staff:

Major Wesley Peacock, Jr., of San Antonio, Bexar County.

To be Major, Cavalry, on the Governor's Staff:

Captain Donald W. Peacock of San Antonio, Bexar County.

To be Captain, Infantry, on the Governor's Staff:

Chester A. Farris of Arlington, Tarrant County.

To be Public Weighers in and for Brown County for two year terms expiring August 10, 1944:

John Hall of Brownwood, Brown County,

Roy Witt of Brownwood, Brown County.

To be District Attorney of the 49th Judicial District to fill the unexpired term of Honorable Philip A. Kazen, resigned:

E. James Kazen of Laredo, Webb County.

To be a Member of the Railroad Commission of Texas to fill the unexpired term of Honorable G. A. (Jerry) Sadler, resigned:

Beauford Jester of Corsicana, Navarro County.

To be District Judge of the 113th Judicial District to fill the unexpired term of Honorable Allen B. Hannay, resigned:

W. W. Moore of Houston, Harris County.

To be Branch Pilot for Port Aransas Bar, Corpus Christi Bay and Tributaries for a two year term expiring August 11, 1944:

Captain Max J. Luther, Jr., of Corpus Christi, Nueces County.

To be Branch Pilots for the Houston Ship Channel and Galveston Bay for the Port of Houston for two year terms expiring September 5, 1944:

Captain Charles O'Brien of Harris County,

Captain Leo Skinner of Harris County,

Captain A. Lancaster of Harris County.

To be District Attorney of the 27th Judicial District to fill the unexpired term of Honorable James K. Evetts, resigned:

M. M. White of Belton, Bell County.

To be Compact Commissioner for the State of Texas to Confer and Negotiate with Representative or Representatives of the State of New Mexico and of the United States toward an agreement between Texas and New Mexico concerning the Pecos River:

A. H. Dunlap of Barstow, Ward County.

To be Public Weigher in and for Harris County for a two year term expiring October 3, 1944:

Jack Earle Florance of Houston, Harris County.

To be Branch Pilot for Port Aransas Bar, Corpus Christi Bay and Tributaries for a two year term expiring September 5, 1944:

Captain Gilbert S. Spinney of Nueces County.

To be District Attorney of the 66th Judicial District to fill the unexpired term of Honorable A. J. Bryan, resigned:

Wm. B. Martin of Hillsboro, Hill County.

To be a Member of the State Board of Barber Examiners for a two year term expiring October 14, 1944:

J. H. Francis of Longview, Gregg County.

To be District Judge of the 7th Judicial District to fill the unexpired term of Honorable Bascom Gist, resigned:

Otis T. Dunagan of Gilmer, Upshur County.

To be Chairman of the Governor's Committee on Interstate Cooperation to succeed Honorable Gerald C. Mann, resigned:

Wm. J. Lawson of Huntsville, Walker County.

To be District Judge of the 26th Judicial District to fill the unexpired term of Honorable Harry A. Dolan, deceased:

D. W. Wilcox of Georgetown, Williamson County.

To be Branch Pilot for Sabine Bar, Pass and Tributaries for a two year term expiring December 22, 1944:

Captain A. L. Urie of Jefferson County.

To be District Attorney of the 53rd Judicial District for the term to which Hon. Homer Thornberry was elected and declared his intentions not to qualify, term beginning January 1, 1943:

Benton Coopwood of Austin, Travis County.

To be Presiding Judge of the Seventh Administrative Judicial District, term beginning January 1, 1943:

O. L. Parish of Ballinger, Runnels County.

To be Member (Ex Officio) of the Texas Civil Judicial Council, term beginning January 1, 1943:

Lorenz Broeter of Alice, Jim Wells County.

To be Members of the Board of Regents, The University of Texas, for six year terms expiring January 10, 1949:

D. F. Strickland of Mission, Hidalgo County,

H. H. Weinert of Seguin, Guadalupe County,

John H. Bickett, Jr., of Dallas, Dallas County.

To be Branch Pilots for Sabine Bar, Pass and Tributaries for two year terms expiring November 27, 1944:

Captain William F. Fredeman of Jefferson County,

Captain Victor E. Sanford of Jefferson County,

Captain C. S. West of Jefferson County.

To be Presiding Judge of the Fourth Administrative Judicial District for the term beginning January 1, 1943:

W. W. McCrory of San Antonio, Bexar County.

To be Presiding Judge of the First Administrative Judicial District for the term beginning January 1, 1943:

Claude McCallum of Dallas, Dallas County.

To be Presiding Judge of the Ninth Administrative Judicial District for the term beginning January 1, 1943:

W. R. Ewing of Pampa, Gray County.

Have had the same under consideration and do recommend that they be in all things confirmed.

BROWNLEE, Chairman.

In Legislative Session

The President called the Senate to order as in legislative session at 11:18 o'clock a. m.

Messages from the Governor

The following messages from the Governor were received, and at the direction of the President, were read to the Senate and referred to the Committee on Nominations of the Governor:

Austin, Texas,
January 21, 1943.

To the Senate of the Forty-eighth Legislature:

I ask the advice, consent and confirmation of the Senate in respect to the following appointments:

To be Secretary of State, term to expire January 18, 1945:

William J. Lawson of Huntsville, Walker County.

To be Adjutant General, term to expire January 18, 1945:

J. Watt Page of Fort Worth, Tarrant County.

To be Commissioner, Bureau of Labor Statistics, term to expire January 31, 1945:

John D. Reed of Arlington, Tarrant County.

Respectfully submitted,

COKE R. STEVENSON,
Governor of Texas.

Austin, Texas,
January 21, 1943.

To the Senate of the Forty-eighth Legislature:

I ask the advice, consent and confirmation of the Senate in respect to the following appointments:

To be Members of the Board of Directors of the Brazos River Conservation and Reclamation District, for a six year term expiring January 31, 1949:

G. G. Chance of Bryan, Brazos County;

C. M. Caldwell of Abilene, Taylor County;

J. S. Fox of Granger, Williamson County;

Herbert Hilburn of Plainview, Hale County;

William Hallmark of Dublin, Erath County;

Walter R. Humphrey of Temple, Bell County;

Graham P. Stewart of Graham, Young County.

You will note that the Members of this Board are appointed by the Board of Water Engineers by authority of Title 128, Article 8197f, Chapter 8, (see Section 6, page 538, Vernon's Civil Statutes). The names above listed have been properly certified to me by the Board of Water Engineers.

To be Members of the Board of Directors of the Nueces River Conservation and Reclamation District for six year terms expiring January 31, 1949:

J. M. Cavender of Uvalde, Uvalde County;

B. Wildenthal of Cotulla, LaSalle County;

F. M. Getzendaner of Uvalde, Uvalde County;

O. N. Stevens of Corpus Christi, Nueces County;

J. L. Corbin of Freer, Duval County;

Paul Ehlers of LaPryor, Zavalla County;

Wm. Byrd, Jr., of Winter Haven, Dimmit County.

You will note that the Members of this Board are appointed by the Board of Water Engineers by authority of Title 128, Article 8197f, Chapter 8. The names above listed have been properly certified to me by the Board of Water Engineers.

Respectfully submitted,

COKE R. STEVENSON,
Governor of Texas.

Senate Bill 27 on Second Reading

Senator Moore moved that the rule of the Senate relative to the consideration of bills and resolutions during the earlier days of the Regular Session be suspended and that S. B. No. 27 be taken up for immediate consideration by the Senate.

The motion prevailed by the following vote:

Yeas—25

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Fain	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Lemens
Formby	Shivers
Kelley	Spears

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 27, A bill to be entitled "An Act providing a more efficient fiscal system for the State of Texas; creating a Legislative Audit Committee, and the appointment of a State Auditor by such Legislative Audit

Committee; repealing H. B. No. 170, Chapter 91, Acts of the First Called Session of the Forty-first Legislature and Section 18, Chapter 212, Acts, Regular Session, Fortieth Legislature; providing that the present State Auditor and Efficiency Expert and the Prison Auditor shall continue to discharge the duties of their offices under H. B. No. 170 and Section 18 above mentioned until a State Auditor is selected and qualifies under this Act; amending Article 4366, Revised Civil Statutes, 1925; providing for the transfer of appropriations and making additional appropriation; providing that one full time assistant auditor or employee be assigned to the Prison System; providing that the appointment of the State Auditor shall be by and with the consent of two-thirds (2/3) of the Members of the Senate; prescribing the qualifications, duties and authority of said State Auditor and providing for his compensation; providing for the necessary assistants for said Auditor and fixing their qualifications and compensation; providing for the payment of salaries, travel, and other expense of the office of State Auditor; providing for the removal of State Auditor and his assistants, or any of them, under certain conditions; providing a method of filling any vacancy in the office of State Auditor and vacancies in the personnel of said office; prescribing penalties; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 27 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days in each House be suspended and that S. B. No. 27 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lanning
Beck	Lovelady
Brownlee	Martin
Bullock	Mauritz
Chadick	Metcalfe
Fain	Moffett
Graves	Moore
Hazlewood	Morris
Jones	Ramsey
Lane	Stone

Sulak
Vick
Weinert

Winfield
York

Absent—Excused

Cotten
Formby
Kelley

Lemens
Shivers
Spears

The President then laid S. B. No. 27 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Beck	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Fain	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

Nays—2

Aikin Morris

Absent—Excused

Cotten	Lemens
Formby	Shivers
Kelley	Spears

Senate Bill 65 on Second Reading

Senator Winfield moved that the Senate rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 65 be taken up for immediate consideration by the Senate.

The motion prevailed by the following vote:

Yeas—25

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Fain	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Lemens
Formby	Shivers
Kelley	Spears

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 65, A bill to be entitled "An Act to appropriate from any funds of the State not heretofore appropriated the sum of Twelve Thousand (\$12,000) Dollars to pay the salary or salaries of any Special Commissioner or Commissioners of any of the Courts of Civil Appeals heretofore appointed, and who have qualified as such under Article 1813 of the Revised Statutes as amended by the Acts of 1936, Third Called Session, and Acts of 1937, and Acts of 1941, and who have served and are serving as such, and for whose salaries no appropriation has heretofore been made; fixing the amount of such salaries; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 65 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 65 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Fain	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Lemens
Formby	Shivers
Kelley	Spears

The President then laid S. B. No. 65 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Fain	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Lemens
Formby	Shivers
Kelley	Spears

Senate Concurrent Resolution 3

On motion of Senator Moore, and, by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. C. R. No. 3, Authorizing Mae Lusk to sue the Texas Prison Board or the State of Texas, or both.

The resolution was read and was adopted.

Resolution Signed

The President signed in the presence of the Senate, after its caption had been read, the following resolution:

S. C. R. No. 6, Providing for the Governor to send a delegate to the Council of State Governments.

Adjournment

Senator Weinert moved that the Senate adjourn until 10:00 a'clock a. m., Monday, January 25, 1943.

Senator Moore moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Question first recurring on the motion of Senator Weinert, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—14

Brownlee	Graves
Chadick	Jones
Fain	Lane

Lanning	Stone
Martin	Vick
Metcalf	Weinert
Morris	York

Nays—7

Aikin	Mauritz
Bullock	Moore
Hazlewood	Sulak
Lovelady	

Absent

Beck	Ramsey
Moffett	Winfield

Absent—Excused

Cotten	Lemens
Formby	Shivers
Kelley	Spears

The Senate, accordingly, at 11:50 o'clock a. m., adjourned until 10:00 o'clock a. m., Monday, January 25, 1943.

EIGHTH DAY

(Monday, January 25, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalf
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Formby	Stone
Graves	Sulak
Jones	Vick
Kelley	Weinert
Lane	Winfield
Lanning	York
Lemens	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 21, was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Hazlewood was granted leave of absence for today and the remainder of this week on account